

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JEFFREY THOMAS HARDIN, JR.,

Plaintiff,

v.

PATRICK COVELLO, et al.,

Defendants.

No. 2:23-cv-1902 DAD AC P

ORDER

Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. The court recently received a motion from plaintiff seeking an extension of time and appointment of counsel, in which plaintiff stated that he was submitting “skin tapings of [his] face & neck” as evidence of his claims. ECF No. 24. It appeared that plaintiff had in fact attached a piece of tape with skin attached to his motion. Plaintiff is advised that he should not send evidence to the court, particularly non-documentary evidence such as skin samples, as the court will not preserve or hold evidence on plaintiff’s behalf. The Clerk of the Court will be directed to return plaintiff’s motion to him. Plaintiff is cautioned that any further submissions containing biological materials will be returned or destroyed and will not be filed.

With respect to the motion itself, plaintiff requests an additional thirty to sixty days to file a second amended complaint and that counsel be appointed on the ground that the screenings of his first two complaints “caused hurdles in effectively filing a complaint.” ECF No. 24. This

1 does not establish grounds for extending the deadline or appointing counsel. Plaintiff has already
2 been granted one sixty-day extension, and the current deadline to file an amended complaint is
3 March 13, 2025. He does not offer any explanation as to why he has been unable to file an
4 amended complaint within the time he has already been provided. Nor has he demonstrated that
5 exceptional circumstances exist that would warrant the appointment of counsel in this case. See
6 Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991) (the court may request voluntary
7 assistance of counsel in certain exceptional circumstances). The motion for appointment of
8 counsel will therefore be denied. However, in light of plaintiff's status as a pro se prisoner, he
9 will be granted an additional thirty days to file his amended complaint. Plaintiff is cautioned that
10 further extensions are unlikely to be granted absent a showing of extraordinary circumstances.


11 Accordingly, IT IS HEREBY ORDERED that:

12 1. Plaintiff's motion for appointment of counsel (ECF No. 24) is DENIED.

13 2. Plaintiff's motion for an extension of time to file a second amended complaint (ECF
14 No. 24) is GRANTED. Plaintiff shall have an additional thirty days, up to April 14, 2025, to file
15 a second amended complaint.

16 3. The Clerk of the Court is directed to return to plaintiff his motion for appointment of
17 counsel and for an extension of time (ECF No. 24).

18 DATED: February 28, 2025

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20 ALLISON CLAIRE
21 UNITED STATES MAGISTRATE JUDGE
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